

EXHIBIT 4

MICHIGAN

UM Anderson case mediator accused of sex harassment in lawsuit



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Detroit — An attorney has filed a federal lawsuit accusing a fellow lawyer of sexually harassing her during the time he was mediating the case against the late University of Michigan athletic physician Dr. Robert Anderson that resulted in a multimillion-dollar settlement for more than 1,000 alleged sexual assault victims.

Elyse McKenna filed a lawsuit Monday in the U.S. District Court for the Eastern District of Michigan accusing fellow attorney Robert F. Riley of "surreptitiously taking photographs" of her, and allegedly engaging in a pattern of harassment while she worked for Riley and his firm and afterward, from 2019-February 2024.

The lawsuit names as defendants Riley, his Southfield firm, Riley & Hurley, and Berkley law firm Olsman, MacKenzie, Peacock & Wallace, which McKenna claims "terminated and disparaged" her after she confronted Riley about his alleged harassment.

McKenna said she had already given her notice to quit when she found the photographs on Riley's iPad. McKenna said she went to several attorneys trying to file a lawsuit against her former boss, although because nobody would take the case, she filed the suit herself.

"The attorneys that McKenna contacted informed her that although she had a viable legal claim, they were not comfortable with pursuing a case against him given his prominent status in the legal community," the 60-page filing said.

Riley did not return a phone call seeking comment.

Deborah Gordon, attorney for Olsman, MacKenzie, Peacock & Wallace, called McKenna's lawsuit "a sham."

"There's absolutely no legal basis to it whatsoever," Gordon said.

Attorney outlines complaint

Riley in 2020 was appointed as the mediator to handle the hundreds of lawsuits that were filed in U.S. District Court alleging the University of Michigan had ignored complaints about sexual assaults by Anderson and allowed him to work with patients for decades. In 2022, about 1,050 plaintiffs shared the \$490 million settlement that was mediated by Riley.

"I considered him my mentor," McKenna said of her former boss.

McKenna said she started working at Riley & Hurley in October 2019.

"He started requiring these dinners to encourage me to become a better attorney," she told The Detroit News. "That's how he framed it. It gradually started to concern me, and I started asking myself, 'Am I making a big deal out of nothing?' But then it dawned on me that this is not OK."

According to the lawsuit, "In June of 2021, McKenna became increasingly suspicious that Riley was taking photographs of her with his iPad while she was sitting in his office because McKenna could see a reflection of herself on the iPad screen in the window behind his desk. McKenna would deliberately sit in different parts of Riley's office out of view of his iPad. Riley always instructed McKenna to sit in the chair that the iPad was facing.

"Upon it becoming clear to McKenna that Riley was regularly taking photographs of her, McKenna felt extremely unsafe and knew she could no longer tolerate working for RH, therefore she decided to search for employment elsewhere," the lawsuit said.

Plaintiff moves to new firm

McKenna said she told Riley she wanted to quit, and that her boss tried to talk her out of leaving the firm. When she refused, she said Riley helped her get her job at Olsman, MacKenzie, Peacock & Wallace. The two firms shared a client.

"Riley facilitated a meeting between (partner Donna) MacKenzie and McKenna, and OMPW ultimately offered McKenna employment as an attorney with their firm," the lawsuit said. "McKenna was hopeful that because OMPW represented victims of Larry Nassar and had female partners, they would be in a position to understand the harassment and grooming that McKenna had endured and be in a position to shield her from more of the same."

McKenna said she put in her two weeks' notice at the beginning of August 2021.

A few weeks later, McKenna said she found hundreds of pictures of herself on Riley's iPad. When asked how she accessed the device, McKenna declined to comment because she said she's defending herself and can't discuss certain aspects of the case.

"On August 18, 2021, McKenna went on Riley's iPad and found hundreds of photographs of herself — including photographs downloaded off of the internet, taken of her during Zoom calls, taken of her while she was sitting in his office, taken of her walking down the hallway, downloaded from other people's social media accounts, downloaded from McKenna's social media accounts from at least seven years prior when McKenna was younger, and in countless other situations when McKenna did not know Riley was photographing her," according to the lawsuit.

"Following her finding the photographs, McKenna immediately blocked Riley from all of her social media accounts and changed the privacy settings on her social media accounts with the hope of precluding others from being able to tag McKenna in photographs that Riley could then obtain," the lawsuit said. "McKenna also immediately went on Amazon and purchased a device that purported to be able to detect hidden cameras, audio bugs and GPS tracking devices."

McKenna told The News she felt violated after discovering Riley was allegedly photographing her.

"It was like time stopped," she said. "It was an out-of-body experience."

McKenna said the incident has left her feeling paranoid whenever she sees someone holding a cellphone.

"There was a time in the grocery store, when a man had his cellphone out, and he was probably only looking at a grocery list, but I left a cartful of groceries in the aisle and got out of there," she said. "Since this happened, it's made me realize how many people have their cellphones out, and I always wonder if they're taking my picture."

McKenna claims in the lawsuit that Riley continued to stalk her at conferences and other events after she'd stopped working for him. She also alleges her bosses at OMPW became increasingly hostile to her because she complained about Riley's alleged ongoing harassment.

"When Riley was confronted regarding his continued harassment of McKenna and asked to stop, McKenna was immediately terminated and disparaged by her then employer Olsman, MacKenzie, Peacock & Wallace," the lawsuit said.

McKenna was fired Feb. 4, 2024, because the firm's partner "questioned McKenna's honesty, integrity, and judgment," the lawsuit said.

McKenna told The News she moved to Maryland to resume her legal career. She claimed Riley's influence made it difficult for her to work in Michigan.

"I'm not barred here in Maryland yet," McKenna said. "I did a lot of gymnastics to attempt to stay in the legal field in Michigan. I know Michigan laws, that's where my family is. But now I'm in Maryland, trying to put everything back together."

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